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REMARKS

This response is intended as a full and complete response to the Office Action dated March 22, 2004. In view of the following discussion, the Applicants believe that all claims are in allowable form.

IN THE SPECIFICATION

The Applicants have amended paragraphs [0036] and [0042] to correct minor errors. The Applicants submit that no new matter has been added.

CLAIMS 11-38

Claims 11-38 have been cancelled without prejudice. The Applicants reserve the right to file divisional/continuation applications to prosecute the cancelled subject matter.

CLAIM OBJECTIONS

Claim 3 is objected to for minor informalities. Claim 3 has been cancelled. As such, the objection is moot.

CLAIM REJECTIONS

I. 35 U.S.C. §102(e)

Claims 1, 2, 4-6, and 9 stand rejected as being anticipated by United States Patent No. 6,273,806, issued August 14, 2001, to *Bennett et al.* (hereinafter *Bennett*). With respect to claim 4, the Applicants respectfully disagree. In response, the Applicants have added new claim 47 which corresponds to claim 1 with the limitations of claim 4 incorporated therein. New claims 48-55 depend from claim 47 and respectively correspond to the limitations contained in claims 2, 3, and 5-10. Claims 1, 2, 4-9, and 9 have been cancelled.

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Claim 47 recites limitations not taught or suggested by *Bennett*. In particular, *Bennett* does not teach or suggest a polishing article comprising a conductive material or a dielectric material having conductive elements disposed therein. The Examiner asserts that *Bennett*, at col. 1, ll. 20-22, discloses this limitation. However, that particular reference to conductive materials is in regard to the deposition of conductive materials in the formation of integrated circuits, and not in reference to a polishing article. Moreover, careful examination of the entire patent fails to yield any reference to a polishing article comprising a conductive material or a dielectric material having conductive elements disposed therein, as recited by claim 47. Therefore, *Bennett* does not teach or suggest all of the limitations of independent claim 47, and all claims depending therefrom.

Thus, the Applicants submit that claims 47-55 are patentable over *Bennett*.

II. 35 U.S.C. §103(a)

A. Claims 3, 7, and 8

Claims 3, 7, and 8 stand rejected as being unpatentable over *Bennett* in view of United States Patent No. 6,692,338, issued February 17, 2004, to *Kirchner* (hereinafter *Kirchner*). The Applicants respectfully disagree. In response, the Applicants have added new claim 56 and 57, which respectively correspond to claims 3 and 7 rewritten in independent form. New claim 58 depends from claim 57 and corresponds to original claim 8. Claims 3, 7, and 8 have been cancelled.

The effective filing date of the present application is December 22, 2000, by benefit of Provisional Patent Application Serial No. 60/258,162. As such, *Bennett* is a commonly-assigned 102(e)-type reference and may not preclude patentability under 35 U.S.C. §103(c) since the claimed invention and the reference were both subject to an obligation of assignment to Applied Materials, Inc. at the time the claimed invention was made.

Thus, the Applicants submit that claims 56-58 are patentable over *Bennett* in view of *Kirchner*.

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B. Claim 10

Claim 10 stands rejected as being unpatentable over *Bennett* in view of *Kirchner*, and further in view of United States Patent No. 6,641,471, issued November 4, 2001, to *Pinhiero et al.* (hereinafter *Pinhiero*). The Applicants respectfully disagree. In response, the Applicants have rewritten original claim 10 as new claim 39. Claim 10 has been cancelled.

New claim 39 recites substantially all of the limitations of original claim 10, original independent claim 1 and original intervening claim 9. Claim 39 recites limitations not taught or suggested by any combination of the cited art. As discussed above, *Bennett* may not preclude patentability under 35 U.S.C. §103(a).

Thus, the Applicants submit that new claim 39, and new claims 40-46, depending therefrom, are patentable over *Bennett* in view of *Kirchner*, and further in view of *Pinhiero*.

NEW CLAIMS

New claims 39-66 have been added to the Application. The Applicants submit that claims 39-66 are patentable over the art of record for the reasons discussed above. The Applicants further submit that the claims are supported by the specification and that no new matter has been added.

CONCLUSION

Thus, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited.

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If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted by facsimile under 37 C.F.R. §1.8 on June 21, 2004 and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile No: (703) 872-9306.

Allyson M. DeVesty
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6-21-04
Date of signature